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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/211,803 12/15/98 HETHERINGTON

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EXAMINER

TM02/1023

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ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/211,803

Applicant(s)
Hetherington

Examiner
Frantz Coby

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2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jul 20, 2001

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-25 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-25 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s) _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

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This is in response to Applicant's amendment filed on July 20, 2001.

1. Applicant's arguments filed on the aforementioned date have been fully considered but they are not persuasive. Therefore, the rejection of claims 1-25 under sections 102 and 103 (paper # 9 mailed on April 20, 2001) remains.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, 12-13 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. U.S. Patent no. 6,205,418.

As per claim 1, Li et al. disclose "a text string data structure within a computer usable medium" as a computer-based system for providing multiple language capability (See Li et al. Figure 1; col. 4, lines 41-43). In particular, Li et al. disclose the claimed limitation "a multi-field data object encapsulating a plurality of discrete fields" as a transform database (See Li et al. Table 2; Col. 8, line 29). Also, Li et al. disclose the claimed feature "a first field within the multi-field data object containing a first character string representing a word" as a translation string (See Li

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et al. Col. 8, Table 2) in this case “&Help” is a first character in a first field representing a word. Further, Li et al. disclose the claimed limitation “a second field within the multi-field data object containing a second character string representing the word” as a translation string (See Li et al. Col. 8, Table 2; Col. 8, lines 29-61) which is “&Aide” that represent the word “&Help” in the French language.

As per claim 2, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant’s attention is directed to the rejection of claim 1 above. In addition, Li et al. disclose the claimed limitation “wherein the second character string is different from the first character string” as shown in Table 2. Notice that the first character “&Help” differ to “&Aide” character because “&Help” is in the English language and “&Aide” is in the French language.

As per claim 3, most of the limitations of this claim have been noted in the rejection of claim 1 above. Applicant’s attention is directed to the rejection of claim 1 above. In addition, Li et al. disclose the claimed limitation “wherein the first character string contains characters from a first character set employed by a first human language and the second character string contains characters from a second character set employed by a second human language” as shown in Table 2; in this case, the first human language is English and the second human language is French.

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As per claim 12, the limitations of this claim have been noted in the rejection of claim 1 above. Applicant's attention is directed to the rejection of claim 1 above. It is therefore rejected as set forth above.

As per claim 13, the limitations of this claim have been noted in the rejection of claims 2-3 above. Applicant's attention is directed to the rejection of claims 2-3 above. It is therefore rejected as set forth above.

As per claim 19, the limitations of this claim have been noted in the rejection of claims 1 and 12 above. Applicant's attention is directed to the rejection of claims 1 and 12 above. It is therefore rejected as set forth above.

As per claim 20, the limitations of this claim have been noted in the rejection of claims 2-3 and 13 above. Applicant's attention is directed to the rejection of claims 2-3 and 13 above. It is therefore rejected as set forth above.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-11, 14-18 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. U.S. Patent no. 6,205,418 in view of Renegar U.S. Patent no. 6,024,571.

As per claim 4, most of the limitations of this claim have been noted in the rejection of claim 1 above. Applicant's attention is directed to the rejection of claim 1 above.

It is noted, however, Li et al. did not specifically disclose the claimed feature "second human language which sound-map to characters within the first character string". On the other hand, Renegar discloses a foreign language communication system including a second human language which sound-map to characters within a first character string (See Renegar Col. 19, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the multiple language capability computer-based applications of Li et al. wherein

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the translation database (See Li et al. Col. 8, lines 34-35) would have incorporated the pronunciation teachings of Renegar. The motivation being to provide a cohesive integrated translation system that enables users with or without prior training to immediately begin communicating in foreign language (See Renegar col. 2, line 66-col. 3, line 3).

As per claim 5, most of the limitations of this claim have been noted in the rejection of claim 1 above. Applicant's attention is directed to the rejection of claim 1 above. In addition, Renegar discloses "ideograph and phonetic spelling of the ideograph" as a system that includes literacy-based phonetic pronunciation (See Renegar Abstract).

As per claim 6, most of the limitations of this claim have been noted in the rejection of claim 1 above. Applicant's attention is directed to the rejection of claim 1 above. In addition, Renegar discloses the claimed limitation "a third field within the multi-field data object containing a third character string representing the word" as a transliteration (See Renegar col. 19, lines 1-10).

As per claim 7, most of the limitations of this claim have been noted in the rejection of claim 6 above. Applicant's attention is directed to the rejection of claim 6 above. In addition, Renegar discloses a third character string different from the second character string (See Renegar col. 19, lines 1-10).

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As per claim 8, most of the limitations of this claim have been noted in the rejection of claim 7 above. Applicant's attention is directed to the rejection of claim 7 above. In addition, Renegar discloses a third character string different from the first character string, (See Renegar col. 19, lines 1-10).

As per claim 9, most of the limitations of this claim have been noted in the rejection of claim 6 above. Applicant's attention is directed to the rejection of claim 6 above. In addition, Renegar discloses a third character string identical to the first character string, (See Renegar col. 19, lines 1-10). Notice that the first string characters L1 are identical to the third string characters in meaning.

As per claims 10-11, most of the limitations of these claims have been noted in the rejection of claim 6 above. Applicant's attention is directed to the rejection of claim 6 above. In addition, Renegar discloses a third character string containing first character string prefix; first character string contains ideograph; second character string contains Latin characters for phonetic spelling; third character contains syllabary characters (See Renegar col. 19, lines 1-42).

As per claim 14, the limitations of this claim have been noted in the rejection of claim 6 above. Applicant's attention is directed to the rejection of claim 6 above. It is therefore rejected as set forth above.

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As per claim 15, the limitations of this claim have been noted in the rejection of claim 9 above. Applicant's attention is directed to the rejection of claim 9 above. It is therefore rejected as set forth above.

As per claim 16, the limitations of this claim have been noted in the rejection of claim 10 above. Applicant's attention is directed to the rejection of claim 10 above. It is therefore rejected as set forth above.

As per claim 17, the limitations of this claim have been noted in the rejection of claim 11 above. Applicant's attention is directed to the rejection of claim 11 above. It is therefore rejected as set forth above.

As per claim 18, the limitations of this claim have been noted in the rejection of claim 9 above. Applicant's attention is directed to the rejection of claim 9 above. It is therefore rejected as set forth above.

As per claim 21, the limitations of this claim have been noted in the rejection of claims 6 and 14 above. Applicant's attention is directed to the rejection of claims 6 and 14 above. It is therefore rejected as set forth above.

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As per claim 22, the limitations of this claim have been noted in the rejection of claims 9 and 15 above. Applicant's attention is directed to the rejection of claims 9 and 15 above. It is therefore rejected as set forth above.

As per claim 23, the limitations of this claim have been noted in the rejection of claims 10 and 16 above. Applicant's attention is directed to the rejection of claims 10 and 16 above. It is therefore rejected as set forth above.

As per claim 24, the limitations of this claim have been noted in the rejection of claims 11 and 17 above. Applicant's attention is directed to the rejection of claims 11 and 17 above. It is therefore rejected as set forth above.

As per claim 25, the limitations of this claim have been noted in the rejection of claim 9 above. Applicant's attention is directed to the rejection of claim 9 above. It is therefore rejected as set forth above.

Response to Arguments

Applicant argues that "a table such as that set forth within Li, et al., at column 8, lines 42 et seq., cannot be said to show or suggest a text string data structure". The Examiner disagrees with the preceding argument because Li et al. specifically stated that "The transform

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database contains three fields and is used for storing a unique translation code and a corresponding translation string. The translation strings include the selected segment of the pre-programmed languages as well as any of the translations entered for the custom languages” (See Li et al. Col. 8, lines 29-50) . This language is therefore read in the broadly claimed language text string data structure comprising multi-field data object, a first field within the multi-field data object and a second field within the multi-field data object since a string is basically a data structure composed of a sequence of characters. The Applicant also admits that a text string data structure is a specific term of art within the computer area. Therefore a text string data structure as broadly claimed cannot reasonably be patentable.

The Applicant also argues that “nothing within Renegar shows or suggests in any way a text string data structure which is embedded within a computer usable medium as set forth within the present claims and no combination of Renegar with Li et al., can be said to show or suggest this novel data structure”. The Examiner disagrees with the preceding argument because in the last Office Action, Renegar was not used to show text “string data structure”. Li et al. was used for that purpose. Renegar was only used to compensate for the claimed feature “a foreign language communication system including a second human language which sound-map to characters within a first character string” (See Renegar Col. 19, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the multiple language capability computer-based applications of Li et

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al. wherein the translation database (See Li et al. Col. 8, lines 34-35) would have incorporated the pronunciation teachings of Renegar. The motivation being to provide a cohesive integrated translation system that enables users with or without prior training to immediately begin communicating in foreign language (See Renegar col. 2, line 66-col. 3, line 3).

Further, the Applicant argues that “Li et al. and Renegar are completely silent with respect to any suggestion of the prefixing of a third character string by at least one character with a low sort value”. The Applicant should duly note that Renegar was used to show “a third field within the multi-field data object containing a third character string representing the word” as a transliteration (See Renegar col. 19, lines 1-10). As to the “prefixing of a third character string by at least one character with a low sort value” Li et al. has shown in (Col. 8 Table 2) a third character string as a translation string “&Aide” which is prefixed by one character “&” since the character “&” is put before the translation string Aide.

In response to applicant's argument that Applicant's invention concerned a data structure for storing, using and managing data in a computer memory, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the

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prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications

intended for entry)

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Or:

(703) 308-5357 (for informal of draft

communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is (703) 305-4006. The examiner can normally be reached Monday through Friday from 9:30 A.M. to 5:00 P.M.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas black, can be reached on (703) 305-9707. The Fax phone number for this Group is (703) 308-5403.



Frantz Coby

October 21, 2001